HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.2024-06 (O&M).
Date of decision : 1.5..2007

Amarjit Singh **.....Appellant**

versus

Ajit Singh and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.A.P.Bhandari, Advocate for the appellant.
Mr.Sachin Mittal, Advocate for the respondents.

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ORDER

HEMANT GUPTA, J.

C.M.No.5011-C of 2006

For the reasons mentioned in the application, the delay of 772 days in filing the appeal is condoned.

R.S.A.No.2024 of 2006

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below whereby a suit for recovery of Rs.11,900/- was dismissed. The plaintiff has claimed the said amount as the unpaid lease amount by the defendants.

It has been found that the plaintiff has failed to prove any lease with the defendants and that the agreement dated 18.3.1988 was purportedly executed in the name of Tota Ram and not by the defendants. Still further, it has been found that the original document has not been produced on record in the manner as required under the Evidence Act. Such findings recorded by the Courts below are sought to be disputed by

the learned counsel for the appellant by re-appreciation of evidence. It could not be pointed out that any evidence has been misread or not taken into consideration.

I do not find any any illegality or irregularity in the findings recorded by the Courts below which may give rise to any substantial question of law for consideration of this Court in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

May 1, 2007
**mohinder*